

REMARKS

Applicant has amended claim 1, 8 and 14. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected the claims 1 through 12 and 14 through 18 under 35 USC 101 stating that these claims are directed to non-statutory subject matter in that they lack a concrete and tangible result. Applicant has amended the claims 1, 8 and 14 and respectfully submits that they now have a concrete and tangible result and the claims 1 through 12 and 14 through 18 now comply with the requirements of 35 USC 101.

The Examiner has rejected the claims 1 through 19 under 35 USC 103 as being obvious over Piper stating that Piper discloses a system and a method for determining a dimension of an anatomical structure using an appropriate set of 2-D sliced images obtained by scanning an anatomical structure. The system includes assembling a set of scanned 2-D sliced images into 3-D data for extracting the anatomical feature from the information contained in 3-D data and further specifying a measurement to be made based on an extracted anatomical feature and further calculates the measurement where an anatomical feature is the center line of the anatomical structure, but does not teach imaging of the heart; however, it is the Examiners' opinion that it would be obvious to one of ordinary skill in the art at that the time invention was made to modify an apparatus and process by Piper in order to scan and obtained ultrasonic images and further to determine the location and size of the subject under examination based on the cut planes around the axis of an organ or present interest including the heart.

Applicant has carefully reviewed Piper and respectfully submits that Piper does not disclose any elements corresponding to the reference cross section setter or the basis cross section selector. In particular, Applicants' invention as claimed requires;

"a reference cross section setter for setting, with respect to the target tissue, a plurality of reference cross sections which intersect each other with the basis axis as a reference;...

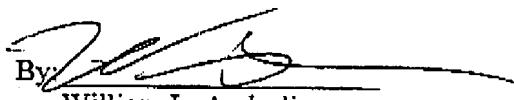
A basis cross section selector for selecting a basis cross section from among the plurality of reference cross sections based on a cross sectional characteristic of the target tissue in each of the reference cross sections...".

Applicant respectfully submits that such a structure is not shown or suggested in Piper. Accordingly, Applicant respectfully submits that claims 1 through 19 are not obvious over Piper.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

By: 
William L. Androlia
Reg. No. 27,177

Quinn Emanuel Urquhart Oliver & Hedges, LLP
Koda/Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
Telephone: 213-443-3085
Facsimile: 213-443-3100

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office
Fax No. (571) 273-8300 on August 30, 2007.

William L. Androlia
Name _____

Signature _____

8/30/2007
Date _____